

Revenue Allocation Code Review Committee Bylaws

Article I

Name, Purpose, Size, Qualifications, Term, and Compensation

Section 1 Name.

The entity shall be known as the Revenue Allocation Code Review Committee ("Committee").

Section 2 Purpose.

- (a) The Band's Revenue Allocation Plan ("RAP") requires that the RAP be reviewed by the Committee and that following such review, if the Committee has any recommended changes to the RAP, the Committee shall submit such to the Tribal Council. The Tribal Council established the Committee to fulfill this responsibility, subject to the limitations provided in these bylaws and Band law.
- (b) The Committee shall exist to fulfill the narrowly defined obligations provided herein regarding the review of the RAP, the development of any recommendations of any proposed amendments to the RAP, and the presentation of the same to the Tribal Council.

Section 3 Size.

The Committee shall consist of seven members, all of whom shall be appointed by the Tribal Council.

Section 4 Qualifications.

In order to be eligible for appointment for one of the positions on the Committee identified in Article II, Section 1(a)(iii) of these bylaws, as a member or as an alternate to the Committee, one must:

- (a) Be a Band citizen,
- (b) Be at least 22 years of age,
- (c) Have either: (i) a minimum of five (5) years of experience in management, public or business administration, accounting, or law or (ii) a bachelor's degree in public or business administration, accounting, finance, political science, or a related academic area , and
- (d) Possess organizational savvy.

Section 5 Term Length.

Committee members and alternates serve at the pleasure of the Tribal Council. The term of office of Committee members and alternates shall commence upon appointment by the Tribal Council and shall conclude upon the earlier of:

- (a) The dissolution of the Committee as provided in Article V of these bylaws,
- (b) The death or resignation of the Committee member or alternate, or
- (c) The removal of such Committee member or alternate by the Tribal Council.

Section 6 Compensation.

Committee members and alternates may be compensated for service to the Committee at rates established by the Tribal Council pursuant to the Committee Procedures Handbook (“Handbook”). Committee members and alternates shall be entitled to reimbursement for actual, reasonable and necessary expenses incurred in the discharge of their duties, provided that the request for reimbursement is approved by the Chairperson or Secretary of the Committee and that reimbursement is made in accordance with the Band’s Travel Policy.

**Article II
Composition of the Committee**

Section 1 Members.

(a) Of the seven members of the Committee:

- (i) One shall be a member of the Tribal Council,
- (ii) One shall be a member of the Elders Council, and
- (iii) Five shall be Band citizens.

(b) If the term of office of any elected official shall expire during his or her service on the Committee, such person may continue as a member or alternate of the Committee at the discretion of the Tribal Council.

Section 2 Alternates.

There shall be a total of three alternates appointed by the Tribal Council. Of the three alternates, the Tribal Council shall appoint one alternate from the Tribal Council, one alternate from the Elders Council, and one alternate that is a Band citizen who is not a member of the Tribal Council or the Elders Council. Alternates shall fulfill the duties of and exercise the full authority of a Committee member, in the absence of a Committee member, provided, however, that the alternate from the Tribal Council and the Elders Council may only exercise the duties and authority in the absence of the Committee member from their respective Council, and the Band citizen alternate may only exercise such duties and authority in the absence of a Committee member that occupies one of the five Band citizen positions on the Committee.

**Article III
Meetings**

Section 1 Quorum.

A quorum of the Committee shall be four members. If a quorum is not present, the presiding officer shall adjourn the meeting. Any business on the agenda for the adjourned meeting shall be placed on the agenda for the next scheduled meeting.

Section 2 Action.

The Committee shall act only at a duly called meeting at which there is a quorum present. Each member shall be permitted to vote, unless otherwise prohibited by applicable Band law. Actions of the Committee require the approval of a majority of the voting members, unless the matter is one for which a different vote is required by these bylaws or applicable Band law.

Section 3 Calling Meetings.

Meetings may be called by the Chairperson of the Committee, or at the request of any two members of the Committee. The Committee shall meet as necessary or prudent to carry out the purpose and duties of the Committee.

Section 4 Minutes.

The Committee shall keep the minutes of all meetings of the Committee and shall ensure that the minutes of meetings of the Committee are distributed promptly.

**Article IV
Duties of the Committee**

Section 1 Duties.

The Committee shall:

- (a) Become familiar with the RAP.
- (b) Become familiar with:
 - (i) the Band's Net Gaming Revenues,
 - (ii) Tribal Government Operations, including citizen demographics, programs, services, and annual budget,
 - (iii) Tribal Government Operations Account,
 - (iv) Band economic development, including the Tribal Economic Development Account,
 - (v) The Per Capita Payment Account, and
 - (vi) The requirements of a Revenue Allocation Plan generally under: (1) the Indian Gaming Regulatory Act and (2) the federal regulations at 25 CFR Part 290.
- (c) Meet with the Band's Finance Director and/or the Finance Board, in order to accomplish the duties in Article IV, Subsection 1(b)(i) – (v) of these bylaws.
- (d) Determine whether there are provisions of the RAP the Committee recommends for amendment. For any such provision, the Committee shall develop proposed amendments. For any proposed amendments to the RAP, the report must address: (i) the concern with the

existing RAP provision, (ii) how the proposed amendment(s) address such concern, and (iii) the items of concern in the Indian Gaming Regulatory Act and the regulations at 25 CFR Part 290.

- (e) Prepare and present to the Tribal Council a written report that includes:
 - (i) Recommendations of proposed amendments (if any) to the RAP approved by the Committee, and
 - (ii) A discussion and explanation of each recommendation or proposed, including:
 - A. The concerns with the existing provision,
 - B. The effect of the proposed amendment, including how the proposed amendment will address the above concerns, and
 - C. How the proposed amendment addresses or meets the items of concern in the Indian Gaming Regulatory Act and the federal regulations at 25 CFR Part 290.
- (f) Each recommendation or proposed amendment shall be discussed separately, in order to permit the Tribal Council to consider each recommendation or proposed amendments individually.
- (g) The Committee shall approve the written report prior to its submission and presentation to the Tribal Council.
- (h) Prior to the Committee's submission of the written report to the Tribal Council, the Committee shall provide Band citizens with a reasonable opportunity to comment on the Committee's recommendations. The Committee shall obtain such comment, at a minimum, by conducting a minimum of one public meeting where a specific agenda item for such meeting shall provide the opportunity for comment from Band citizens on the Committee's written report.
- (i) The Committee shall provide Tribal Council with its written report not later than six months from the date of the Tribal Council's approval of these bylaws.

Article V

Duration and Dissolution of the Committee

Section 1 Duration.

The establishment of the Committee commenced upon the adoption of a motion by the Tribal Council on July 31, 2017 and the Committee shall continue until the earlier of:

- (a) The automatic dissolution provided in Section 2 below, or
- (b) The dissolution of the Committee by the Tribal Council.

Section 2 Automatic Dissolution.

The Committee shall automatically dissolve following the completion of the Committee's presentation to the Council of the Committee's written report required in Article IV of the these bylaws.

Article VI
Miscellaneous

Section 1 Governmental Instrumentality.

The Committee is an instrumentality of the Band government and shall be vested with all the rights, privileges, and immunities of the Band, including but not limited to the sovereign immunity of the Band from suit absent express consent from Tribal Council. Committee members and alternates are appointed representatives of the Band government and as such, are immune from suit when acting within the scope of their authority to the fullest extent permitted by law.

Section 2 Committee Procedures Handbook.

The Committee shall have the authority and obligations provided in the Handbook. The Committee shall not be required to produce any Work Plan, monthly reports, annual reports, or Committee evaluation required by the Handbook. If there is a conflict between these bylaws and the Handbook, these bylaws shall control.

Section 3 Amendment.

These bylaws may only be amended by the Tribal Council.

Section 4 Limitation on Committee Authority.

- (a) The Committee's authority shall be strictly limited to that provided in these bylaws and the Handbook.
- (b) The Committee shall have no authority to:
 - (i) Enter into any contract, or any other binding agreement,
 - (ii) Expend or commit any funds with respect to any matter, except in accordance with an approved budget and Band law,
 - (iii) Exercise any regulatory or legislative power of the Tribal Council, or
 - (iv) Waive the sovereign immunity of the Committee or the Band.

Section 5 Non-Waiver.

The Band has not waived its sovereign immunity and nothing provided in these bylaws shall be deemed a waiver of the sovereign immunity of the Band.

Bylaws History

Approved March 25, 2021, by Tribal Council Resolution 21-03-25-08; On June 7, 2021, by Tribal Council Resolution 21-06-07-02, Section 4 was amended.